

16286. Misbranding of tomato catsup. U. S. v. 159½ Cases of Tomato Catsup. Product released under bond. (F. & D. No. 22929. I. S. Nos. 01458, 01459. S. No. 996.)

On July 28, 1928, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 159½ cases of tomato catsup, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Morgan Packing Co., Austin, Ind., on or about June 20, 1928, and transported from the State of Indiana into the State of Missouri, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Jug) "Scott Co. Brand Tomato Catsup Contents 1 Gal. Morgan Packing Co., Austin, Ind."

It was alleged in the libel that the article was misbranded in that the designation "Tomato Catsup," borne on the label, was false and misleading and deceived and misled the purchaser when applied to an artificially colored article.

On December 3, 1928, the Morgan Packing Co., Austin, Ind., having appeared as claimant for the property, and having tendered its bond in the sum of \$1,000, conditioned as provided by law, it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16287. Misbranding of Diamond shorts with ground wheat screenings. U. S. v. 43 Sacks of Diamond Shorts with Ground Wheat Screenings. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23079. I. S. No. 012977. S. No. 1112.)

On August 6, 1928, the United States attorney for the District of Kansas, acting upon a report by the control division of the Kansas State Board of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 43 sacks of Diamond shorts with ground wheat screenings, remaining in the original unbroken packages at Kansas City, Kans., alleging that the article had been sold by the Rodney Milling Co., Kansas City, Mo., to the Kansas City Mill Products, Kansas City, Mo., and by them sold to Dyer & Co., August 1, 1928, and by said Dyer & Co., transported in interstate commerce from Kansas City, Mo., to Kansas City, Kans., and charging misbranding in violation of the food and drugs act. The article was labeled in part: Diamond Shorts with Ground Wheat Screenings. Manufactured by Rodney Milling Company, Kansas City, Missouri * * * Wheat Shorts with Ground Wheat Screenings not exceeding mill run."

It was alleged in the libel that the article was misbranded in that it was labeled, "Diamond Shorts with Ground Wheat Screenings," and labeled to contain the following wheat ingredients, "Wheat Shorts with Ground Wheat Screenings not exceeding mill run," whereas it was composed principally of re-ground wheat bran with ground wheat screenings, including a large amount of ground weed seed, said wheat screenings being in excess of the mill run.

On October 5, 1928, Dyer & Co., Kansas City, Mo., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a good and sufficient bond, conditioned in part that it be repacked and relabeled to comply with the Federal food and drugs act.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16288. Adulteration and misbranding of Blatz grape gum. U. S. v. 44 Cases of Blatz Grape Gum, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 22892, 22893, 22939. I. S. Nos. 22563-x, 22564-x, 028. S. Nos. 932, 1020.)

On July 20 and August 2, 1928, respectively, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 96 cases of Blatz grape gum, remaining in the original packages at San Francisco, Calif., consigned by the Val Blatz Brewing Co., Milwaukee, Wis., alleging that the article had been shipped in part from Kansas City, Mo., June 16, 1928, in part from Newport, R. I., May 29, 1928, and in part from Chicago, Ill., July 3, 1928, and transported from the States of Missouri, Rhode Island, and Illinois, respectively, into the State of

California, and charging adulteration and misbranding in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated in that an artificially flavored substance had been substituted wholly or in part for the article and had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength.

Misbranding was alleged for the reason that the article was offered for sale under the name of another article, "Grape Gum." Misbranding was alleged for the further reason that the following statements on the labeling were false and misleading and deceived and misled the purchaser: (Cases) "Original grape chewing gum * * * Grape Gum;" (cartons) "Blatz Grape Gum * * * Insist on the Original. Refuse Substitutes. Original Grape Chewing Gum;" (leaflet) "When you order Blatz Grape Gum from your jobber, insist on Blatz only and accept no substitutes. There's a reason for the popularity of Blatz Grape Gum. It is the original Grape Flavor—a flavor no one has been able to imitate successfully. Blatz Grape Gum is advertised in magazines, newspapers, and billboards all over the country. When placing your order with your jobber don't say Grape Gum but specify Blatz the Original Grape Gum. When the order is delivered make sure that you get Blatz—the Original—and refuse to accept any substitutes;" (retail 5¢ package) "Blatz Grape Gum * * * Lasting Grape Flavor * * * Refreshing Grape Flavor;" (individual stick) "Blatz Grape Gum. The original grape chewing gum."

On February 25, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16289. Adulteration of butter. U. S. v. 13 Cubes, et al., of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23599. I. S. No. 09. S. No. 1815.)

On March 16, 1929, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 25 cubes of butter, remaining in the original unbroken packages at San Francisco, Calif., consigned by the Marion Creamery & Produce Co., Portland, Oreg., alleging that the article had been shipped from Portland, Oreg., March 9, 1929, and transported from the State of Oregon into the State of California, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a product containing less than 80 per cent of milk fat had been substituted for butter.

On March 20, 1929, Alfred Monotti, San Francisco, Calif., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$700, conditioned in part that it be made to conform to the provisions of the Federal food and drugs act under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16290. Adulteration of scallops. U. S. v. 70 Gallons of Scallops. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23601. I. S. No. 05762. S. No. 1517.)

On or about January 28, 1929, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 70 gallons of scallops, remaining in the original unbroken packages at Boston, Mass., consigned about January 23, 1929, alleging that the article had been shipped by the Gordon C. Willis Co., Morehead City, N. C., and transported from the State of North Carolina into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance, to wit, water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for the said article.

On February 7, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*